



JC10 Rec'd PCT/PTO 2 1 MAR 2005

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PTO-1390 (Rev. 02-2005)

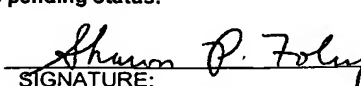
Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>OSTEONICS 3.3-332</b>
INTERNATIONAL APPLICATION NO. PCT/US03/01985		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/501,754</b>
INTERNATIONAL FILING DATE 22 January 2003		PRIORITY DATE CLAIMED 23 January 2002
TITLE OF INVENTION <b>GLASS-IONOMER CEMENTS CONTAINING AMINO ACIDS</b>		
APPLICANT(S) FOR DO/EO/US <b>Jimmy Wayne Mays, Dong Xie, and Aaron D. Puckett, Jr.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"><li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input type="checkbox"/> The US has been elected (Article 31).</li><li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li><li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (executed)</li><li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li></ol>		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"><li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. (Supplemental)</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li><li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li><li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li><li>20. <input checked="" type="checkbox"/> Other items or information: Response to Notice for Submission of Computer Readable Sequence Listing; copy of Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US); Return Receipt Postcard</li></ol>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/501,754</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US03/01985</b>		ATTORNEY'S DOCKET NUMBER <b>OSTEONICS 3.3-332</b>									
The following fees have been submitted 21. <input type="checkbox"/> Basic national fee .....\$300 22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) .....\$100 All other situations .....\$200 23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100 International Search Report prepared and provided to the Office.....\$400 All other situations .....\$500 <b>TOTAL OF 21, 22 and 23 =</b>				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>								
				\$									
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Total Sheets</th> <th>Extra sheets</th> <th>Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th>RATE</th> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250.00</td> </tr> </table>				Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	- 100 =	/50 =		x \$250.00	\$	
				Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE						
- 100 =	/50 =		x \$250.00										
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	130.00								
<b>CLAIMS</b>		<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>									
Total claims		- =		x	\$								
Independent claims		- =		x	\$ 0.00								
MULTIPLE DEPENDENT CLAIM(s) (if applicable)				+	\$								
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$									
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$									
<b>SUBTOTAL =</b>				\$	130.00								
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$								
<b>TOTAL NATIONAL FEE =</b>				\$	130.00								
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$								
<b>TOTAL FEES ENCLOSED =</b>				\$	130.00								
03/25/2005 KAYPAGH 00000165 121095 10501754 01 FC:1617 130.00 DA				Amount to be refunded:	\$								
				Amount to be charged:	\$								
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ 130.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-1095. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status. SEND ALL CORRESPONDENCE TO: <div style="text-align: right;">             SIGNATURE: Shawn P. Foley            NAME            CUSTOMER NUMBER: 000530            33,071            REGISTRATION NUMBER         </div>													



Rec'd PCT/PTO 21 MAR 2005

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 18, 2005 Signature:

*Shawn P. Foley*  
(Shawn P. Foley)

Docket No.:  
OSTEONICS 3.3-332  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Mays et al.

Application No.: 10/501,754

Confirmation No.:

Filed: July 22, 2004

Art Unit: N/A

For: GLASS-IONOMER CEMENTS CONTAINING  
AMINO ACIDS

Examiner: Not Yet  
Assigned

RESPONSE TO NOTICE FOR SUBMISSION OF COMPUTER READABLE SEQUENCE  
LISTING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE. The NOTICE requests Applicant to furnish executed declarations and a sequence listing in computer readable form as required by 37 CFR 1.821(e) and PCT Rule 13ter.(1)ii).

Executed declarations are enclosed herewith. In view of the following, Applicants submit that this submission constitutes a complete response to the NOTICE.

Applicant respectfully submits that no sequence listing is necessary in connection with the captioned patent application. Contrary to the indication in the NOTICE, Applicant did not submit a paper copy of a sequence listing. Rule 821 (a) indicates that the presence of nucleotides comprising an unbranched sequence of 10 or more nucleotides, or amino acid

sequences comprising unbranched sequences of 4 or more amino acids gives rise to a requirement for submission of a sequence listing. The present specification, however, does not contain any nucleotide sequence of 10 or more nucleotides or any unbranched amino acid sequence of 4 or more amino acids. Thus, Applicants respectfully request reconsideration and withdrawal of this requirement.

The Director is authorized to charge the requisite fee and any other fees that may be due and owing to Deposit Account no. 12-1095.

Dated: March 18, 2005

Respectfully submitted,

By Shawn P. Foley  
Shawn P. Foley  
Registration No.: 33,071  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant

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Docket No.  
OSTEONICS 3.3-332

Art Unit  
N/A

**Applicant(s):** Jimmy Wayne Mays, Dong Xie, and Aaron D. Puckett, Jr.

Invention: GLASS-IONOMER CEMENTS CONTAINING AMINO ACIDS

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	43	- 42 =	1	x 50.00	50.00
Independent Claims	4	- 4 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					<b>50.00</b>

☒ Large Entity

☐ Small Entity

☐ No additional fee is required for this amendment.

☒ Please charge Deposit Account No. 12-1095 in the amount of \$ 50.00  
A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

**Dated:** March 18, 2005

Shawn P. Foley  
Attorney Reg. No.: 33,071

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 518-6346

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 18, 2005

Signature: Shawn P. Foley (Shawn P. Foley)

\$ PCT EDS

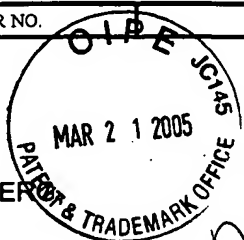


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/501,754	FIRST NAMED APPLICANT Jimmy Wayne Mays	ATTY. DOCKET NO. OSTEONICS 3.3-332
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000530  
LERNER, DAVID, LITTENBERG  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090



SPF

Due 18 MAR 2005

INTERNATIONAL APPLICATION NO. PCT/US03/01985	
LA. FILING DATE 01/22/2003	PRIORITY DATE 01/23/2002

CONFIRMATION NO. 1848  
371 FORMALITIES LETTER



\*OC000000014971413\*

Date Mailed: 01/18/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/22/2004
- Copy of the International Search Report filed on 07/22/2004
- Preliminary Amendments filed on 07/22/2004
- Information Disclosure Statements filed on 07/22/2004
- Biochemical Sequence Listing filed on 07/22/2004
- Small Entity Statement filed on 07/22/2004
- U.S. Basic National Fees filed on 07/22/2004
- Priority Documents filed on 07/22/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

The following items **MUST** be furnished within the period set forth below:

LDLKM

JAN 24 2005

RECEIVED

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,754	PCT/US03/01985	OSTEONICS 3.3-332